(Spl.-H.C.A.S.,C.D.,78-e)

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF BOMBAY AT GOA
APPELLATE SIDE

WRIT PETITION NO. 202 OF 2004

Office Note, Office Memoranda of Quorum, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Mr. P. Rao, advocate for the petitioner.

Mr. E. Dias, advocate for the respondents.

CORAM : B. H. MARLAPALLE, J.

DATE : 17th December, 2004.

P.C.:

The learned Civil Judge, Junior Division, was pleased to dismiss an application for temporary injunction filed by the plaintiff Company in Regular Civil Suit No.20/2003 by Order dated 11th September, 2003. The said Order came to be challenged in Misc. Civil Appeal No.96/2003 and the Appeal came to be dismissed by the IInd Additional District Judge, Panaji. Hence, this Writ Petition under Article 227 of the Constitution of India.

2. It appears that the defendants were engaged as daily wagers by the plaintiff and they were discontinued after some tenure, which ran into 5 to 6 years. They raised dispute regarding their alleged illegal termination as well as payment of wages, etc. The employer did not pay any attention and, therefore, they started obstructing at the gate of the plaintiff on account of which there was some disturbance. The plaintiff approached the trial Court with an application for injunction.

3. The cause of action for the suit arose from the industrial dispute and it appears that both the parties had also approached the Conciliation Officer under the Industrial Disputes Act, 1947. The trial Court was right in holding that unless the issue of maintainability of the Civil Suit was decided, there was no case, even prima facie, to allow the

application for injunction. The same view has been confirmed by the lower Appellate Court.

4. Heard the learned counsel for the petitioner and the respondents. The view taken by the Courts below does not suffer from any errors apparent on the face of the record and, therefore, no interference is called for in the same.

5. Resultantly, the petition is rejected summarily.

B. H. MARLAPALLE, J.

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